

Date: 24th August, 2011

Sl. No	Subject	Foundation for Democratic Reforms & Lok Satta position
1.	Jurisdiction	<ul style="list-style-type: none"> ➤ PM with safeguards: <ul style="list-style-type: none"> a) Only after sanction of a committee comprising the Vice President, Speaker and Leader of Opposition in Lok Sabha b) Excluding matters relating to sovereignty and integrity of India, security of the State, friendly relations with Foreign States and public order. ➤ All Ministers, MPs, all officials above a certain rank and all Group A officers. ➤ All Chief Ministers of States ➤ All NGOs above a certain threshold ➤ Lower officials to be covered by CVC, which will be part of Lokpal as ex-officio members, but will have separate existence and functions under CVC Act. ➤ Judges of higher judiciary not to be under Lokpal jurisdiction. A National Judicial Commission headed by the Vice President, and with Prime Minister, Speaker, Law Minister, Leaders of Opposition in both Houses, and Chief Justice (Chief Minister and Chief Justice of concerned High Court in case of High Court judges) should be constituted for judicial appointments and oversight; and the Judicial Standards and Accountability Bill should be enacted into law. Both together will address issues relating to higher judiciary. ➤ Subordinate Judiciary is under the control of the High

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		Court under Act 235, and that should remain so.
2.	Setting up of Lokayuktas in States	<ul style="list-style-type: none"> ➤ A chapter should be incorporated in the Lokpal Bill dealing with Lokayuktas and Local Ombudsmen. The Lokayuktas should be appointed in a similar manner by a state level selection committee, and should have similar powers, protection and functions. ➤ With the ratification of UNCAC, the Parliament, under Article 253 of the Constitution, has the power to make laws for the entire territory of India even on state subjects in matters relating to corruption. This power should be exercised. ➤ The law should be called The Lokpal and Lokayuktas Act, 2011. ➤ The State ACBs should be brought under the superintendence and guidance of Lokayuktas. Lokayukta will also supervise vigilance machinery in state. ➤ There should be 3-5 members Lokayukta in each state. ➤ Under Lokayukta, there should be local ombudsmen for each district and city, and they will deal with local government matters.
3.	Inclusion of PM	<ul style="list-style-type: none"> ➤ Covered in (1) on jurisdiction. ➤ Chief Ministers should be under Lokpal. If Lokpal law does not include them, CM should be under Lokayukta jurisdiction ➤ PM's role as head of Cabinet cannot be questioned on

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		<p>grounds of vicarious liability.</p> <ul style="list-style-type: none"> ➤ PM cannot be asked to part with information relating to national security, sovereignty and integrity of India, friendly relations with Foreign States, or public order
4.	Public Grievances	<ul style="list-style-type: none"> ➤ Should not be part of Lokpal jurisdiction ➤ A separate Grievance Redressal Authority should be created at the national level and in each state as recommended by the Second Administrative Reforms Commission
5.	Selection Committee	<ul style="list-style-type: none"> ➤ The 9-member selection committee as proposed in the Bill is reasonable with one modification: The jurist and eminent citizen should be nominated by the rest of the seven members – not the central government.
6.	Seamless Integration of CVC	<ul style="list-style-type: none"> ➤ CVC (Chairman + 2 members) should be ex-officio members of Lokpal, and should be appointed in the same manner as Lokpal. CVC will perform all functions as envisaged under law, except that the allegations against Group A officers and above will be referred to the Lokpal.
7.	Independence of CBI and ACBs	<ul style="list-style-type: none"> ➤ Once CVC is integrated with Lokpal, but functions under both Lokpal Act and CVC Act, that body will exercise superintendence and guidance of CBI. The CBI should be divided into two agencies – the normal crime investigation wing, and the anti-corruption wing. The anti-corruption CBI will be accountable only to CVC and not to the government ➤ In states, ACB will be directly under Lokayukta

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		supervision and will be accountable to it.
8.	Amendments needed in Prevention of Corruption Act & other laws	<ul style="list-style-type: none"> a) Enlarging definition of corruption as recommended by the Second Administrative Reforms Commission. b) Increasing the quantum of punishment in cases of collusive bribery. c) Confiscation of properties of corrupt public servants – a strong law should be enacted. d) Section 19 of Prevention of Corruption Act should be amended empowering CVC in central government and Lokayukta in States to order prosecution. e) Section 6 A of Delhi Special Police Establishment Act should be repealed. f) Sec 197 (1) of the Cr PC should be amended to give prosecution powers to CVC and Lokayukta respectively.
9.	Prosecution	➤ Lokpal and Lokayukta should have powers to appoint all prosecutors and supervise them in all matter relating to all anti-corruption cases, not merely those investigated by them.
10.	Removal of Public Servants	➤ The law should provide for dismissal, removal or reduction in rank of officials on the basis of the enquiry of Lokpal/Lokayukta. Further enquiry should not be made a requirement once Lokpal/Lokayukta concludes after enquiry that the conduct of a public servant deserves major punishment.

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